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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/737,404	12/14/2000	Suman Kumar Inala	P3902D1	1791
24739	7590	08/12/2004	EXAMINER	
CENTRAL COAST PATENT AGENCY PO BOX 187 AROMAS, CA 95004			HUTTON JR, WILLIAM D	
		ART UNIT	PAPER NUMBER	
		2179		

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/737,404	INALA ET AL.
	Examiner Doug Hutton	Art Unit 2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 10 May 2004.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-5 and 7-11 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-5 and 7-11 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 14 December 2000 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

Applicant's Response

In Applicant's Response dated 10 May 2004, Applicant amended Claim 3, and argued against all objections and rejections previously set forth in the Office Action dated 23 February 2004.

The objection to Claim 3 is withdrawn.

Claim Objections

Claim 2 is objected to because of the following informalities:

- the term "intitiation" in Line 2 should be amended to — initiation — because it appears to be a typographic error.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-5 and 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nazem et al., U.S. Patent No. 5,983,227, in view of Nehab et al., U.S. Patent No. 6,029,182, Gershman et al., U.S. Patent No. 6,356,905, and Rao, U.S. Patent No. 6,078,929.

Claim 1:

Nazem discloses an Internet Portal (Nazem, Internet 106; Column 2, Lines 52-57), comprising:

- an Internet-connected server (Nazem, a client-server system 100 . . . obtains the page from a page server 104 via Internet 106; Column 2, Lines 51-57 and Figure 1); and
- a portal software executing on the server (Nazem, Figures 1 and 5, “my.yahoo.com”, a well-known Internet portal), including a summary software agent (Nazem, Column 3, Lines 15-48, when a page server receives the URL . . . it interprets that as a request for the user’s custom summary page).

While teaching “summarizes the retrieved information for delivery to the subscriber” (Nazem, Column 5, Lines 66 through Column 6, Line 12, summaries from each of the major news topics can also be stored in the shared memory and viewed by pressing on the news topic header . . . intelligently display dates 510 customized for a particular user), Nazem fails to expressly disclose maintaining a list of Internet destinations at secure servers, maintaining personal financial accounts for one or more of a plurality of subscribing users, and a summary software agent that automatically

logs in to the secure servers on behalf of, and transparent to, the subscribing users at the Portal, retrieves financial information personal to the subscribing users, stores the retrieved financial information at the portal; according to pre-programmed criteria, and summarizes the retrieved information for delivery to the subscribing users.

Nehab teaches the steps of:

- maintaining a list of Internet destinations specifically authorized and specified by a subscribing user (Nehab, Abstract, Lines 1-5, a World Wide Web site data retrieval system . . . stored Web site address information); and
- the summary software agent automatically logs in to the secure server on behalf of, and transparent to the subscribing users, according to data stored for the subscribing users at the Portal, retrieves financial information personal to the subscribing users, stores the retrieved financial information at the portal; according to pre-programmed criteria, and summarizes the retrieved information for delivery to the subscribing users (Nehab, Abstract, Lines 1-22; Column 3, Lines 15-28 and Lines 50-65; Column 4, Lines 2-12; Column 9, Lines 36-43 and Column 10, Lines 22-28, server retrieves stored personal user profile which includes user defined web site address information, user defined web site command, and user defined formatting command to automatically access, download, extract, and format various web sites into personalized document based on user defined criteria).

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have combined the teachings of Nehab and Nazem

to summarize the retrieved information from many web sites which are defined and authorized by subscribers, and deliver theses summaries to the subscribers, since it would have provided the capability for searching and obtaining personal information that subscribers need on an Internet server.

However, Nehab does not explicitly disclose personal information is financial information, which is maintained at secure servers.

Gershman teaches Portal server utilize software agents and third party services to respond to customer needs, such a personal news and entertainment, personal shopping, personal finance, personal life insurance, paying bills, etc. (Gershman, Column 34, Lines 60-63; Column 35, Lines 15-20 and Lines 61-65; Column 57, Lines 5-15 and Lines 29-33). Gershman's teaching of obtaining personal finance and bill payment information online certainly implies the use of secure servers and user authentication.

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have combined Gershman into Nehab and Nazem to provide financial information personal for subscribers through Portal server, since the subscribers would have received many personal information needs from many services such as personal shopping, personal insurance summary, paying bill, etc. besides personalized newspaper of Nehab.

Further, Rao teaches a server automatically logs in to secure server on behalf of and transparent to a subscribing user by using user ID and password (Rao, Abstract and Column 4, Lines 15-24).

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have combined Rao into Gershman, Nehab and Nazem to allow the summary agent of Nehab to automatically log in to the secure servers, such as financial, credit bill, life insurance servers, on behalf of subscribing users, since the agent would have retrieved personal information needs from many kinds of servers for a subscribing server by using the subscribing user's ID and password that is authorized.

Claim 2:

As indicated in the above discussion, Nazem, Nehab, Gershman and Rao teach the limitations of Claim 1.

Nehab teaches a configuration and initiation interface for a subscriber to set up and start a summary search (Nehab, Column 9, Lines 36-43 and Column 10, Lines 37-44).

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have combined the teachings of Nehab with Nazem because it would have provided the capability for facilitating searching and obtaining information from an Internet server.

Claim 3:

As indicated in the above discussion, Nazem, Nehab, Gershman and Rao teach the limitations of Claim 1.

Nehab teaches the summary searches are configured for individual clients as templates stored and retrieved at the Internet-connected server (Nehab, Column 7, Lines 27-34).

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have combined the teachings of Nehab with Nazem because it would have provided the capability for facilitating storing and retrieving information from an Internet server.

Claim 4:

As indicated in the above discussion, Nazem, Nehab, Gershman and Rao teach the limitations of Claim 1.

Nehab teaches information retrieved in a summary search is to be retrieved by the subscriber (Nehab, Column 10, Lines 22-36).

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have combined the teachings of Nehab with Nazem because it would have provided the capability for users to retrieve a summary search.

Claim 5:

As indicated in the above discussion, Nazem, Nehab, Gershman and Rao teach the limitations of Claim 1.

Nehab teaches information retrieved in a summary search is downloaded immediately to the subscriber (Nehab, Column 10, Lines 22-36).

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have combined the teachings of Nehab with Nazem because it would have provided the capability for users to view a summary of the desired information.

Claims 7-11:

These claims are directed to a method for presenting the system of Claims 1-5, respectively, and are rejected using the same rationale used in the above rejections.

Claims 1-5 and 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen, U.S. Patent No. 6,006,333, in view of Franco et al., U.S. Patent No. 6,687,745.

Claim 1:

Nielsen discloses an Internet Portal, comprising:

- an Internet-connected server (see Figure 1B); and
- a portal software executing on the server (see Column 3, Lines 36-49),

wherein the Portal maintains a list of Internet destinations at secure servers (see element 202, Figure 2) maintaining personal proprietary accounts for each one or more of a plurality of subscribing users (see Column 1, Lines 31-34; see Column 1, Lines 63-65 – many websites have limited access, thus implying that the websites contain “proprietary” information for subscribers to the websites; additionally, the users subscribe to the web sites, and thus information on those web sites is “proprietary” to the users), and the software automatically logs in to the secure servers on behalf of, and transparent to the subscribing users, according to data stored for the subscribing users at the Portal (see Column 2, Lines 18-24), retrieves information proprietary to each one of the subscribing users (information from web sites is retrieved, and that information is “proprietary” to the users) and stores the retrieved information at the Portal (the “retrieved information” is stored at the Portal in that the web sites are stored on servers), according to pre-programmed criteria (the content provider managing the servers determine the conditions under which and the procedures how the websites are stored).

Nielsen fails to expressly disclose:

- a portal software executing on the server, including a summary software agent, wherein the Portal maintains a list of Internet destinations that maintain proprietary **financial** accounts for subscribing users, retrieves **financial** information proprietary to each one of the subscribing users, stores the retrieved **financial** information at the Portal, and summarizes the retrieved information for delivery to the subscribing users.

Franco teaches portal software executing on the server (see element 64, Figure 1), including a summary software agent, wherein the portal software maintains proprietary financial accounts for users (see Figure 4A – the software “maintains” “proprietary financial accounts” in that it keeps information about stocks owned by the user), retrieves financial information proprietary to each one of the users (see Figures 2 and 4A – the software “retrieves” “proprietary financial information” in that it displays the user’s stock portfolio and trading orders), and summarizes the retrieved information for delivery to the subscribing users (see Figure 4A – the software “summarizes” the retrieved information in that it displays only those stocks chosen for display by the user) for the purpose of providing links to remotely store information (see Column 4, Lines 25-30).

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Internet Portal, disclosed by Nielsen, to include financial information and a summary software agent that summarizes the retrieved information for delivery to the subscribing users, for the purpose of providing links to remotely store information, as taught by Franco.

Claims 2-5:

Nielsen fails to expressly disclose:

- a configuration and initiation interface for a subscriber to set up and start a summary search (see Claim 2);

- summary searches that are configured for individual clients as templates stored and retrieved at the Internet-connected server (see Claim 3);
- information retrieved in a summary search that is retrieved by the subscriber (see Claim 4); and
- information retrieved in a summary search that is downloaded immediately to the subscriber (see Claim 5).

Franco teaches:

- a configuration and initiation interface for a subscriber to set up and start a summary search (see Figures 2 and 4A);
- summary searches that are configured for individual clients as templates stored and retrieved at the Internet-connected server (see Figures 2 and 4A);
- information retrieved in a summary search that is retrieved by the subscriber (the information retrieved in a summary search is retrieved by the subscriber in that the user chooses which stocks for which information is obtained); and
- information retrieved in a summary search that is downloaded immediately to the subscriber (see Figures 2 and 4A),

for the purpose of providing links to remotely store information (see Column 4, Lines 25-30).

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Internet Portal, disclosed by Nielsen, to include:

- a configuration and initiation interface for a subscriber to set up and start a summary search;
- summary searches that are configured for individual clients as templates stored and retrieved at the Internet-connected server;
- information retrieved in a summary search that is retrieved by the subscriber; and
- information retrieved in a summary search that is downloaded immediately to the subscriber,

for the purpose of providing links to remotely store information, as taught by Franco.

Claims 7-11:

These claims are directed to a method for presenting the system of Claims 1-5, respectively, and are rejected using the same rationale used in the above rejections..

Response to Arguments

Applicant's arguments filed 10 May 2004 have been fully considered but they are not persuasive.

Arguments for Claim 1 with regard to the 103 rejection based on Nazem, in view of Nehab, Gershman and Rao:

Applicant argues that Gershman fails to teach **retrieving, storing** and **summarizing** proprietary financial information. See *Applicant's Response* – Page 5, fourth full paragraph through Page 6, second full paragraph.

The examiner disagrees.

The examiner does not use Gershman to teach *storing* and *summarizing* proprietary financial information. Other references used in the 103 rejection disclose/teach these limitations. Gershman is used to teach only **retrieving** proprietary financial information. As indicated in Applicant's Response (see Page 6, first full paragraph), Gershman does teach retrieving proprietary financial information in that it includes online bill paying. The information required to pay bills online is "proprietary" to the user in that the information is not available to third parties.

In support of its argument, Applicant states that the agent is able to go online and pay bills for the subscribing user without retrieving financial information proprietary to the subscribing user (see Page 6, first full paragraph, third sentence).

The examiner disagrees.

In order for the agents in Gershman to pay bills for subscribing users, the agents do retrieve financial information proprietary to the subscribing user. For example, the agent must access a user's account at the creditor's database to find out how much the user owes the creditor. This information is both "financial" and "proprietary" to the user.

Moreover, Applicant appears to argue against the references individually. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Arguments for Claim 1 with regard to the 103 rejection based on Nielsen, in view of Franco:

Applicant argues that Nielsen fails to disclose **proprietary** information. See *Applicant's Response* – Page 7, first full paragraph.

The examiner disagrees.

Nielsen expressly discloses the proliferation of limited access sites on the World Wide Web (see Column 1, Lines 31-34). One of ordinary skill in the art at the time the invention was made would know that the authentication system disclosed in Nielsen was applicable to websites containing all types of information. Because online banking was well-known at the time the Applicant's invention was made (as demonstrated in Gershman), Nielsen implies that the authentication system is applicable to websites for banks that allow online banking.

Also, the novelty of Applicant's invention should not be based upon the **type of information** that is processed. Rather, any novelty that is determined must come from the **methods used** to process that information. In the present case, any novelty of

Applicant's invention should be based on the "automatic login" feature and/or the "summarization" feature and not the particular type of information that is utilized by these features. Because the prior art discloses/teaches both of these features, Applicant's invention is not novel.

Applicant argues that Franco fails to disclose maintaining *proprietary* financial information because the patent is for "droplet" software and because Franco fails to expressly disclose that the displayed stocks and trading orders are solely owned by the user. See *Applicant's Response* – Page 7, second full paragraph through Page 8, second full paragraph.

The examiner disagrees.

The express, implicit, and inherent disclosures of a prior art reference may be relied upon in the rejection of claims under 35 U.S.C. 102 or 103. Thus, any implied teaching found in Franco can be properly used in a rejection based on the prior art. Franco might be a patent for the "droplet" software, but it is a reference for everything it expressly, implicitly and inherently discloses.

Franco expressly states that its invention retrieves applications and information from a remote source (see Column 4, Lines 43-47) and allows the user to selectively re-establish connection to the remote source for invoking and presenting the remotely stored applications and information on an as-needed basis (see Column 5, Lines 5-9). Figures 2 and 4 show the "Stock Watcher" application, which displays a user's trading orders (see Figure 2) and current statistics for stocks (see Figure 4). The cited text and

figures imply that a user may review and update his trading orders on an as-needed basis. Additionally, the trading orders are certainly "proprietary" to the user in that the orders are "owned" by the user and unknown to third parties.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Doug Hutton whose telephone number is (703) 305-1701. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached at (703) 308-5186. The fax phone

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number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

WDH
July 28, 2004

Heather J. Herndon
HEATHER HERNDON
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